IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CR-00263-RJC

USA	)	
	)	
v.	)	ORDER
	)	
RASHON DONTE HUNTER (4)	)	
	)	

THIS MATTER is before the Court upon motion of the defendant for compassionate release based on the COVID-19 pandemic. (Doc. No. 460).

Although the motion is styled as a motion for reconsideration, the defendant recognizes that the Court was without authority to grant his previous request for home confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. (Id. at 5; Doc. No. 457: Order). He now seeks early or immediate release as a sentence reduction. (Doc. No. 460: Motion at 5).

Section 603(b) of the First Step Act amended 18 U.S.C. § 3582(c)(1)(A), which previously only allowed a court to reduce a term of imprisonment on motion of the Director of the Bureau of Prisons (BOP). Now a court may entertain a motion filed by a defendant: (1) after full exhaustion of all administrative rights to appeal a failure of the BOP to bring a motion on the inmate's behalf; or (2) after the lapse of 30 days from the receipt of such a request by the warden of the facility, whichever is earlier. Here, the defendant states that the warden of his facility denied his request for "early release;" however, the warden's letter shows he denied home confinement

under the CARES Act, not a sentence reduction under § 3582(c)(1)(A). (Doc. No. 460: Motion at 4, 27). Therefore, the Court is without authority to consider the merits of the defendant's new request for a sentence reduction. United States v. Raia, 954 F.3d 594, 595 (3d Cir. 2020).

IT IS, THEREFORE, ORDERED that the defendant's motion for compassionate release, (Doc. No. 460), is **DENIED** without prejudice.

The Clerk is directed to certify copies of this Order to the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: July 6, 2020

Robert J. Conrad, Jr.
United States District Judge

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